

REGULAR CITY COUNCIL MEETING  
SEPTEMBER 14, 1992

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Alan Burraston	Council Member
Robert Dekker	Council Member
Rex Harris	Council Member

ABSENT

Robert Droubay	Council Member
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Public Works Director	Neil Forster
Brent Johnson	Delta Valley Farms
Elwin Johnson	Delta Valley Farms

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

There were no minutes presented at this meeting.

ACCOUNTS PAYABLE

There were no accounts payable presented at this meeting.

NEW BUSINESS

BRENT JOHNSON, DELTA VALLEY FARMS: WASTE WATER PROBLEM AT CHEESE PLANT

Mayor Dafoe asked Brent and Elwin Johnson, Delta Valley Farms, to address the City Council regarding a waste water problem at the cheese plant.

Brent Johnson addressed the City Council and presented the following information:

**"I. Problem:**

In the manufacturing of cheese, milk is converted to 10% cheese and 90% whey. Whey is a highly organic waste which requires significant amounts of oxygen to convert it to CO<sub>2</sub>. The problem at Delta Valley Farms is that not enough oxygen is provided and the whey saturates the ground. This creates an anaerobic degradation process which creates the odor problem.

Other cheese companies have gone to drying their whey which is about a 2.5 million dollar investment. In a best case scenario, drying whey is a break even investment, but because of Delta Valley Farms relatively low volumes, wouldn't be feasible.

One year ago, Delta Valley Farms added on a whey protein fractionation and drying operation in hopes that it would provide a significant reduction of the waste and also an economic advantage to the plant. The waste was reduced about 30%, but the expected economic advantage is currently a liability due to the current price of whey protein.

Delta Valley Farms paid out \$8,536,000/year to dairy farmers in milk purchase, and currently employs 96 citizens of Millard County with a payroll of \$980,000/year.

While Delta Valley Farms clearly recognizes the odor problem the cheese making by-products create, and recognize the need to solve the problem, we cannot currently afford to invest hundreds to thousands of dollars to solve it.

**II. Possible alternatives:**

- a. The City of Delta would treat all of Delta Valley Farms liquid wastes in the current lagoon system.
- b. Delta Valley Farms would pretreat the liquid wastes and then send a pretreated waste to the City of Delta lagoon system for final treatment.
- c. Through revenue bonds or other means, loan money is found for Delta Valley Farms to treat the waste on site.

d. If no financial assistance is found, Delta Valley Farms can continue to get rid of the waste to livestock ect. build a bigger lagoon and stay on its current path until the State water quality people close the doors."

Mr. Johnson asked for recommendations or suggestions from the City Council and to what extent the City could become involved in a solution to their dilemma.

Mayor Dafoe said that in order for Delta Valley Farms to connect into Delta City's sewer lagoon system, they would first be required to annex into the City. He further explained that in order to be annexed into Delta City, a majority of the owners of real property and the owners of at least one-third in value of the real property as shown by the last assessment rolls in Millard County, must file a signed petition together with a copy of a certified plat in the office of the City Recorder.

Mayor Dafoe also asked Mr. Johnson to determine the Biological Oxygen Demand (BOD) of their liquid waste to determine what effect it would have on Delta City's sewer lagoon system. Also, to determine the installation cost of approximately 1.4 miles of sewer line with man holes.

Public Works Director Neil Forster was asked to obtain costs of aeration equipment for the sewer lagoon.

PUBLIC WORKS DIRECTOR: 580 CASE BACKHOE TRADE-IN

Mayor Dafoe asked Public Works Director Neil Forster to discuss a trade in for a 580K Backhoe.

Public Works Director Neil Forster explained that for approximately the past five years the Public Works Department has traded in their backhoe annually. Mr. Forster than requested Council's approval to trade in Delta City's 1991 580 K Backhoe for a 1992 model.

He reviewed with the City Council a letter from Century Equipment Co., Inc. stating that effective January 1, 1992, J. I. Case had a 24% price increase, which is being passed on to their clientele. The letter also stated that with a price increase of that size, Century Equipment does not anticipate any price increase in the near future. Century does not foresee J. I. Case discontinuing its Municipal Discount Program, and they will be able to continue to offer its Government Trade-Out Program as in the past.

Mr. Forster said that the trade out price for a 1992 backhoe is \$7,600. He said that \$2,000 was budgeted in the Water and Sewer Funds and the additional \$5,600 could be expended out of the Capital Reserve Fund.

Following discussion, Council Member Gayle Bunker MOVED to approve the trade out of the 580 K Case Backhoe in the amount of \$7,600

with a \$2,000 expenditure from the Water and Sewer Funds and a \$5,600 expenditure from the Capital Reserve Fund. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: BID AWARD FOR 15' DUMP BOX, 12' SNOW PLOW AND 14' SALT AND SAND SPREADER

Mayor Dafoe asked Public Works Director Neil Forster to present a bid award for a 15' Dump Box, a 12' Snow Plow and a 14' Salt and Sand Spreader.

Public Works Director Neil Forster said that a bid opening was held Friday, September 11, 1992, at 5:00 p.m. and the results of that bid opening are as follows:

<u>Equipment</u>	<u>Bidder</u>	<u>Price</u>
15' Dump Body	H & K Truck Equipment	13,990
	Williamsen Manufacturing	12,320
14' Salt & Sand Spreader	H & K Truck Equipment	7,373
	Western Road Machinery Co.	8,068
	Williamsen Manufacturing	5,853
12' Reversible Snow Plow	H & K Truck Equipment	7,429
	Western Road Machinery Co.	8,339
	Williamsen Manufacturing	5,525
	(This bid was increased to \$6,025 for a carbide tip blade)	

Mr. Forster recommended that the bid for the equipment be awarded to Williamsen. He also said that in addition to the bid quotes, a two-way radio has been added and a tail gate chute is being built for a dump box.

Following discussion, Council Member Robert Dekker MOVED to award the bids for a 15' Dump Body, a 14' Salt & Sand Spreader and a 12' Reversible Snow Plow. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: FY 1991-1992 AMENDED BUDGET

Mayor Dafoe explained that a Public Hearing was held prior to the Regular City Council Meeting for the purpose of receiving public comment regarding the Amended Budget for FY 1991-1992. He said that there was no public in attendance to the Public Hearing.

Following brief discussion, Council Member Gayle Bunker MOVED to adopt the Amended Budget for FY 1991-1992 as presented. The motion was SECONDED by Council Member Alan Burraston. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

FRANK BAKER: DONATION OF REAL PROPERTY TO DELTA CITY

Frank Baker was not in attendance at this meeting; therefore, this item was not discussed.

COUNCIL MEMBER GAYLE BUNKER: APPOINTMENT OF PLANNING COMMISSION MEMBER AND CHAIRMAN

Mayor Dafoe asked Council Member Gayle Bunker to discuss the appointment of a Planning Commission member and chairman.

Gayle Bunker informed the City Council that Planning Commission Chairman Gary Church resigned from the Planning Commission; therefore, a chairperson needs to be appointed as well as a member to fill Mr. Church's term.

Council Member Bunker MOVED that Larry Taylor be appointed as Planning Commission Chairman and that Charlynn Gould be appointed as a Commission Member to fill Gary Church's term. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: DISCUSSION OF IN-HOME BUSINESS

Mayor Dafoe asked City Attorney Richard Waddingham to discuss In-Home Businesses with the Council.

Attorney Waddingham explained that the Delta City Zoning Ordinance defines Homes Occupation as follows:

"Any use conducted entirely within a single family dwelling and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building, not normally associated with residential use. There shall be no advertising or any kind in connection with the home occupation, there shall be no employees

outside of the family residing in the dwelling unit. There shall be no perceivable increase in local traffic. A home occupation may include emergency consultation, but shall not be for the general practice or profession."

Mr. Waddingham said that the above definition is ambiguous in that the word "produce" can mean "to make or manufacture" or "to show or exhibit". He requested the City Council's clarification of its intent. He explained that there are several in-home businesses where commodities are not actually being made or manufactured on the premise but are being displayed and sold on the premise.

The City Council agreed that the intent of the ordinance should be to allow in-home business owners to exhibit commodities for sale on the business premise even though they are not actually made or manufactured on the premise.

Attorney Waddingham said that he would prepare an amendment to the zoning ordinance regarding the above definition.

#### OTHER BUSINESS

Delta Area Chamber of Commerce President Bruce Curtis presented a Membership Plaque to the Mayor and City Council and thanked them for their continuous support to the Chamber.

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Mayor Dafoe invited the City Council to a meeting on Wednesday, September 16, 1992, at 9:00 a.m. with Sunrise Engineering, Utah Department of Transportation (UDOT), Beautification Committee and City Council Members regarding the Downtown Beautification Project.

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Mayor Dafoe said that he received a letter from Bonnie Smith, Contracting Officer for the United States Department of Agricultural, Animal and Plant Health Inspection Service, stating that they received a proposal from Delta City to build a hangar and lease it to Animal Damage Control, Salt Lake City, for \$6,000 per year.

Ms. Smith stated that they would be interested in pursuing such a lease with Delta City, but she requested a breakdown of the \$6,000 per year lease rate, i.e., construction costs, financing costs, and/or maintenance costs. Upon receipt of the requested information, Ms. Smith will contact Delta City to negotiate a final agreement.

Mayor Dafoe asked Public Works Director Neil Forster to obtain some cost figures for the proposed hangar.

Mayor Dafoe said that he would be out of town from September 18th to September 27th and that Council Member Gayle Bunker will act as Mayor Pro Tempore.

Mayor Dafoe asked Council Member Alan Burraston to represent him at the Classy Chassis Car Show that is to be held September 19th and 20th. Mr. Burraston agreed to present the Mayor's Choice Trophy at the awards presentation.

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Mayor Dafoe reviewed with the City Council an Executive Directive signed by all Delta City employees regarding work hour changes. Beginning September 28, 1992, all employees will be required to work from 8:00 a.m. to 5:00 p.m.

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Attorney Waddingham said that Dan & Pam Piacitelli have built a home in the White Sage Subdivision, and it is located on a public utility easement. Mr. & Mrs. Piacitelli have submitted a petition to vacate two easements and reestablish a new easement. However, in order to do this a public hearing is required.

Council Member Robert Dekker MOVED to schedule a public hearing for Monday, September 28, 1992, at 6:45 p.m. for the purpose of receiving public comment regarding the vacation of two established public utility easements and the creation of a new public utility easement in the White Sage Subdivision. The motion was SECONDED by Council Member Rex Harris.

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Mayor Dafoe said that Robyn Pearson, Millard County Administrator, has requested that Delta City hold a public hearing for the purpose of receiving public comment regarding Millard County's Solid Waste Management.

Council Member Robert Dekker MOVED to schedule a public hearing for Monday, September 28, 1992, at 6:30 p.m. for the purpose of receiving public comment regarding Millard County's Solid Waste Management. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

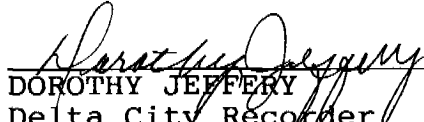
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Council Member Gayle Bunker informed the City Council that the Planning Commission has received a request for an area within Delta City to be rezoned to allow for livestock. Brief discussion was held regarding this issue.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Rex Harris MOVED to adjourn. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding

the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 8:45 p.m.

  
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DON DAFOE, Mayor

  
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DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 10-26-92